

1 S.123

2 Introduced by Senators Sears and Ashe

3 Referred to Committee on Judiciary

4 Date: March 16, 2017

5 Subject: Crimes; animal cruelty; immunity

6 Statement of purpose of bill as introduced: This bill proposes to provide
7 immunity from liability for animal shelter and rescue organizations that are
8 assisting law enforcement in cruelty cases.

9 An act relating to limiting liability for animal shelter and rescue
10 organizations assisting law enforcement in animal cruelty investigations

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 ~~Sec. 1. 20 V.S.A. § 3903 is amended to read:~~

13 ~~§ 3903. ANIMAL SHELTERS AND RESCUE ORGANIZATIONS~~

14 ~~(a) [Repealed.]~~

15 ~~(b) Animal intake. An animal shelter or rescue organization under this~~

16 ~~chapter as defined by section 3901 of this title shall not accept an animal~~

17 ~~unless the person transferring the animal to the shelter provides the following~~

18 ~~information: the name and address of the person transferring the animal and,~~

19 ~~if known, the name of the animal, its vaccination history, and other~~

20 ~~information concerning the background, temperament, and health of the~~

1 animal

2 (c) Nonprofit status. A rescue organization under this chapter shall be
3 recognized and approved as a nonprofit organization under 26 U.S.C.
4 § 501(c)(3).

5 (d) Immunity from liability. An animal shelter or rescue organization
6 assisting law enforcement in an animal cruelty investigation or seizure that, in
7 good faith, provides care and treatment to an animal involved in the
8 investigation or seizure shall not be held liable for civil damages by the owner
9 of the animal unless such care and treatment constitutes gross negligence.

10 Sec. 2. EFFECTIVE DATE

11 ~~This act shall take effect on July 1, 2017.~~

Sec. 1. 20 V.S.A. § 3903 is amended to read:

§ 3903. ANIMAL SHELTERS AND RESCUE ORGANIZATIONS

(a) [Repealed.]

(b) Animal intake. An animal shelter or rescue organization ~~under this chapter shall not accept an animal unless the person transferring the animal to the shelter provides as defined by section 3901 of this title shall make every effort to collect the following information about an animal it accepts:~~ the name and address of the person transferring the animal and, if known, the name of the animal, its vaccination history, and other information concerning the background, temperament, and health of the animal.

(c) Nonprofit status. A rescue organization under this chapter shall be recognized and approved as a nonprofit organization under 26 U.S.C. § 501(c)(3).

(d) Immunity from liability. Notwithstanding section 3901a of this title, any animal shelter or rescue organization assisting law enforcement in an animal cruelty investigation or seizure that, in good faith, provides care and treatment to an animal involved in the investigation or seizure shall not be held liable for civil damages by the owner of the animal unless the actions of the

shelter or organization constitute gross negligence.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.